Crl. Misc.No.25001-M of 2003

...

Present : Mr. Harbhagwan Singh, Sr.Advocate with Mr.J.S. Yadav, Advocate for the petitioner.
Mr. Deepak Girotra, AAG, Haryana.
Mr. R.K. Gupta, Advocate for respondent no.6.

...

Counsel for the State of Haryana prays for time to file a better affidavit.

Adjourned to 18.12.2006.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.60111-M of 2006

...

Major Ram Vs. State of Punjab

...

Present : Mr. J.S. Virk, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab

...

Prayer in this petition is, for grant of anticipatory bail in case FIR No.145 dated 18.6.2002, registered under Sections 15/61/85 of the N.D.P.S. Act at Police Station Sadar, Muktsar, Distt. Muktsar.

On 28.9.2006, it was ordered that in case the petitioner appears before the trial Court, on the date fixed before it, he would be released on interim bail to the satisfaction of the trial Court.

Counsel for the petitioner states that the petitioner has surrendered before the trial Court and has been released on interim bail.

Counsel for the State of Punjab does not deny the aforementioned statement.

I have no reason to doubt the correctness of the statement made by counsel for the petitioner. In view of the aforementioned statement, the order of this Court dated 28.9.2006 is made absolute. The petitioner shall, however, furnish fresh bail bonds to the satisfaction of the learned trial Court.

This petition stands disposed of accordingly.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.54608-M of 2006

...

Atma Singh Vs. State of Punjab

...

Present : Ms.G.K. Mann, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.
Mr. D.S. Pheruman, Advocate.

...

Prayer in this petition is, for grant of anticipatory bail in case FIR No.59 dated 15.6.2002 registered under Sections 325,324,323,148,149,307 and 326 IPC at Police Station Mehta, Distt.Amritsar.

Vide order of this Court dated 8.9.2006, the petitioner was granted interim anticipatory bail.

Counsel for the complainant as also counsel for the State of Punjab submit that as challan has been presented, the present petition has been rendered infructuous. The petitioner would be now required to seek regular bail, from the trial Court.

As the challan has been presented on 24.10.2006, the present petition has been rendered infrcutuous. The petitioner would be now required to seek regular bail from the trial Court.

In case, the petitioner surrenders before the trial Court and files an application for regular bail, the same shall be considered and decided on the same day, in accordance with law.

Disposed of accordingly.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.54560-M of 2006

...

Present : Mr. R.S. Budhwar, Advocate for the petitioners.
Mr. J.S. Toor, Addl.A.G. Haryana.
Mr. D.K. Jangra, Advocate for the complainant.

...

The petitioners are directed to appear before the Investigating Officer on 20.11.2006 at 10 AM.

The Investigating Officer shall also be present on the same date and time.

Adjourned to 9.1.2007.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.54302-M of 2006

...

Present : Mr. K.S. Boparai, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab

...

The petitioner is directed to appear before the Investigating Officer on 15.11.2006 at 10 AM.

The Investigating Officer shall also be present on the same date and time.

Adjourned to 9.1.2007.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.47842-M of 2006

...

Present : Mr.V.K. Jain, Sr.Advocate with Ms.Divya Sharma, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.
Mr. A.S. Syan, Advocate.

...

Adjourned to 13.12.2006.

Interim order to continue.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.47410-M of 2006

...

Present : Mr.V.K. Jain, Sr.Advocate with Ms.Divya Sharma, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.
Mr. A.S. Syan, Advocate.

...

Adjourned to 13.12.2006.

Interim order to continue.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.23884-M of 2006

...

Present : Mr. Navdeep Singh, Advocate for the petitioners.
Mr. B.S. Baath, AAG, Punjab

...

Prayer in this petition is, for grant of anticipatory bail in case FIR No.33 dated 21.3.2006 registered under Sections 452,326,324,323,148,149 of the IPC at Police Station Dhariwal, Distt.Gurdaspur.

Vide order of this Court dated 25.4.2006, interim anticipatory bail was granted to the petitioners.

Counsel for the State of Punjab states that as the challan has been presented, the petitioners would, therefore, be required to seek regular bail, from the trial Court.

As the challan has been presented, the petitioners would now be required to seek regular bail from the trial Court.

This petition stands disposed of accordingly.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.21912-M of 2006

...

Present : Mr. R.K. Lamba, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. Amit Sharma, Advocate.

...

On the request of counsel for the State of Punjab, adjourned to 13.11.2006.

The Senior Superintendent of Police, Muktsar is directed to be present in person on the next date of hearing.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.71081-M of2005

...

Amandeep Singh Vs. State of Punjab and another

...

Present : Mr. S.S. Majithia, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.
Mr.Gurpreet Singh Sachdeva, Advocate for the respondent no.2.

...

Counsel for the petitioner as also counsel for respondent no.2, the complainant are ad-idem that parties have resolved their matrimonial differences and have executed a written settlement dated 27.10.2006. The petitioner and respondent no.2 have agreed to part ways and for that purpose the petitioner has already paid a sum of Rs.1,30,000/- to respondent no.2. It is prayed that in view of the aforementioned facts, the order of this Court dated 23.1.2006 be made absolute.

Counsel for the State of Punjab has no objection.

In view of the facts noticed herein above, the order of this Court dated 23.1.2006 is made absolute, subject to the provisions of Section 438 of the Cr.P.C.

This petition stands disposed of accordingly.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.59690-M of 2005

...

Shalini Gupta Vs. State of Haryana and others

...

Present : Mr. Vishal Gupta, Advocate for the petitioner.
Mr. J.S. Toor, Addl.A.G. Haryana.

...

Prayer in this petition is for cancellation of bail granted to respondents no.2 to 5 by the Court of Sessions Judge, Yamuna Nagar vide his order dated 1.10.2005.

Counsel for the petitioner contends that as articles of dowry were not recovered, the respondents were not entitled to the benefit of anticipatory bail and, therefore, the aforementioned order dated 1.10.2005 be set aside and the respondents be sent to jail.

Counsel for the respondents as also counsel for the State of Haryana submit that the challan has been presented. It is further argued by counsel for the petitioner/complainant that as no dowry articles have been recovered, there is no question of recovering them, therefore, the present petition be dismissed.

I have heard learned counsel for the parties and perused the paper book.

The anticipatory bail was granted to the respondents on the basis of facts pleaded by them, the petitioner as also the prosecution. The order granting bail, whether regular or anticipatory can only be cancelled, if the said order had been obtained by fraud or some circumstances have come into existence, where the accused are alleged to have abused the concession of anticipatory bail. As no such fact exists, and as the respondents have

already been granted regular bail, the present petition does not warrant acceptance. Dismissed.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

In Crl. Rev.No.2125 of 2006

...

Present : Mr. Harinder Sharma, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab

...

Prayer in this petition is for suspension of sentence during the pendency of this revision.

The revision was admitted on 19.10.2006 and is not likely to be heard in the near future.

After hearing counsel for the parties, I am of the considered opinion that in view of the facts and circumstances of the present case, the sentence imposed upon the petitioner should remain suspended during the pendency of the present revision.

Consequently, the sentence imposed upon the petitioner shall remain suspended, during the pendency of revision petition, subject to his furnishing adequate surety/bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

In Crl. Rev.No.2143 of 2006

...

Present : Mr. J.B.S. Gill, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab

...

Prayer in this petition is for suspension of sentence during the pendency of this revision.

The revision was admitted on 23.10.2006 and is not likely to be heard in the near future.

After hearing counsel for the parties, I am of the considered opinion that in view of the facts and circumstances of the present case, the sentence imposed upon the petitioner should remain suspended during the pendency of the present revision.

Consequently, the sentence imposed upon the petitioner shall remain suspended, during the pendency of revision petition, subject to his furnishing adequate surety/bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl.Misc.No.64835 of 2006
In Crl. Rev.No.2134 of 2006

...

Present : Mr. R.K. Gupta, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab

...

Prayer in this application is for suspension of sentence during the pendency of this revision.

The revision was admitted on 19.10.2006 and is not likely to be heard in the near future.

After hearing counsel for the parties, I am of the considered opinion that in view of the facts and circumstances of the present case, the sentence imposed upon the petitioner should remain suspended during the pendency of the present revision.

Consequently, the sentence imposed upon the applicant-petitioner shall remain suspended, during the pendency of revision petition, subject to his furnishing adequate surety/bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Patiala.

C.M. stands disposed of accordingly.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.60488-M of 2006

...

Varinder Kumar Vs. State of Punjab

...

Present : Mr. Sushil Saini, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.

...

This order shall dispose of Crl.Misc.Nos.60488-M of 2006 and 61906-M of 2006.

The petitioners herein, namely; Varinder Kumar and Vaishno Dass and Vivek Kumar Saini, have inflicted injuries to Ramesh Pal, Suresh Pal, Anju Bala etc. The injuries inflicted by Varinder Kumar have been found to be simple, whereas injuries inflicted by Vaishno Dass were found to be grievous and with a sharp edged weapon. Vivek Kumar Saini is alleged to have inflicted an injury to the head of Anju Bala, punishable under Section 307 IPC.

Counsel for the petitioners contends that as the petitioners have been behind bars since 19.2.2006 i.e. a period of about nine months and as investigation is complete and challan has been presented, the petitioners be released on bail. It is further argued that the injured have not suffered any disability, permanent or otherwise and as the trial is likely to be protracted, the petitioners be released on bail.

Counsel for the State of Punjab states that as the petitioners inflicted serious injuries, as is apparent from the FIR and the medical record, they be denied bail. It is however, not denied on instructions from ASI, Ramesh Kumar, P.S. Taragrah, Distt.Gurdaspur that none of the injured have suffered any disability, permanent or otherwise.

I have heard learned counsel for the parties and perused the paper book.

The petitioners have been behind bars since 9.2.2006. Challan has been presented and 2 PWs have been examined. The injured have not suffered any disability, serious or otherwise, on account of the injuries. The prosecution has cited 22 witnesses and, therefore,the trial is likely to be protracted. The petitioners cannot be incarcerated indefinitely.

Counsel for the State of Punjab has not expressed any apprehension that if released on bail, the petitioners would subvert the trial and/or try to win over the witnesses.

Bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

Nothing stated herein shall be construed to be an expression of opinion on the merits of the case.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.61906-M of 2006

...

Vaishno Dass and another Vs. State of Punjab

...

Present : Mr. Sushil Saini, Advocate for the petitioners.
Mr. B.S. Baath, AAG, Punjab.

...

For orders, see Crl.Misc.No.60488-M of 2006.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.60147-M of 2006

...

Somveer Vs. State of Haryana

...

Present : Mr. Dhirinder Chopra, Advocate for the petitioner.
Mr. J.S. Toor, Addl.A.G. Haryana.

...

Prayer in this petition is for grant of regular bail in case FIR No.91 dated 19.3.1994 registered under Section 395 IPC at Police Station Sadar Bahadurgarh, Distt.Rohtak.

The FIR is of the year 1994. Two of the petitioner's co-accused, have passed away, whereas two others, who were named in the FIR, have been acquitted by the trial Court.

Counsel for the petitioner contends that the petitioner has been falsely implicated. He is not named in the FIR, whereas his co-accused, who were named have been acquitted. It is contended that the petitioner is in custody since 8.5.2006 and as he has no other case pending against him, he be released on bail.

Counsel for the State of Haryana, on the other hand submits that the petitioner has been arrested after a period of 12 years. The fact that the petitioner's name is not mentioned in the FIR or that his co-accused have been acquitted, would not enure to his benefit, as his role in the offence would be determined by the trial Court.

I have heard learned counsel for the parties and perused the paper book.

It is not denied that two of the petitioner's co-accused have passed away and two have been acquitted. The two acquitted co-accused

were named in the FIR and recoveries were effected from them. Though a recovery of a sum of Rs.300/- was effected from the petitioner, he was not named in the FIR and even otherwise, his co-accused have already been released on regular bail. The challan has been presented and the prosecution has cited 16 witnesses. The trial is likely to be protracted. Further incarceration of the petitioner is not warranted.

Counsel for the State of Haryana has not expressed any apprehension that if released on bail, the petitioner would subvert the trial and/or try to win over the witnesses.

Bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jhajjar.

Nothing stated herein shall be construed to be an expression of opinion on the merits of the case.

As the petitioner appears to be resident of Madhya Pradesh, the trial Court, while releasing the petitioner on bail may impose such terms and conditions as it may deem fit. The trial Court shall also make every endeavour, to dispose of the trial expeditiously.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.60079-M of 2006

...

Present : Mr. Bipan Ghai, Advocate for the petitioner.
Mr. J.S. Toor, Addl.A.G. Haryana.

...

Adjourned to 8.12.2006.

Meanwhile, the trial Court shall make every endeavour to record the statement of the prosecutrix on 27.11.2006.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.46151-M of 2006

...

Ravinder Kumar @ Babba Vs. State of Punjab

...

Present : Mrs.Baljit K. Mann, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.

...

Prayer in this petition is, for grant of anticipatory bail in case FIR No.88 dated 25.6.2006, registered under Sections 326,324,323,341,506,148,149 of the Indian Penal Code at Police Station Nurmahal, Distt.Jalandhar.

Vide order of this Court dated 7.8.2006, it was directed that in the event of arrest of the petitioner, he shall be released on bail, subject to the conditions enumerated therein.

Counsel for the petitioner submits that the petitioner has joined investigation, therefore, his custodial interrogation is not required.

Counsel for the State of Punjab, does not deny the aforementioned fact and states that custodial interrogation of the petitioner is not required.

In view of what has been stated above, the order of this Court dated 7.8.2006 is made absolute, subject to the provisions of Section 438 of the Cr.P.C.

This petition stands disposed of accordingly.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.50201-M of 2006

...

Kailash Singh Vs. State of Punjab

...

Present : Mr.K.S. Rekhi, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.

...

Prayer in this petition is, for grant of anticipatory bail in case FIR No.113 dated 22.6.2006, registered under Sections 406,420,467,468,471,506,120-B of the Indian Penal Code at Police Station Sarabha Nagar, Ludhiana.

Vide order of this Court dated 24.8.2006, it was directed that in the event of arrest of the petitioner, he shall be released on bail, subject to the conditions enumerated therein.

Counsel for the petitioner submits that the petitioner has joined investigation, therefore, his custodial interrogation is not required.

Counsel for the State of Punjab, does not deny the aforementioned fact and states that custodial interrogation of the petitioner is not required.

In view of what has been stated above, the order of this Court dated 24.8.2006 is made absolute, subject to the provisions of Section 438 of the Cr.P.C.

This petition stands disposed of accordingly.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.57196-M of 2006

...

Gurinder Pal Kaur Vs. State of Punjab

...

Present : Mr. Balram Singh, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.

...

Prayer in this petition is, for grant of anticipatory bail in case FIR No.57 dated 18.4.2006, registered under Section 366 of the Indian Penal Code at Police Station B. Division, Amritsar.

Vide order of this Court dated 19.9.2006, it was directed that in the event of arrest of the petitioner, she shall be released on bail, subject to the conditions enumerated therein.

Counsel for the petitioner submits that the petitioner has joined investigation, therefore, her custodial interrogation is not required.

Counsel for the State of Punjab, does not deny the aforementioned fact and states that custodial interrogation of the petitioner is not required.

In view of what has been stated above, the order of this Court dated 19.9.2006 is made absolute, subject to the provisions of Section 438 of the Cr.P.C.

This petition stands disposed of accordingly.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.58996-M of 2006

...

Parampal Vs. State of Punjab

...

Present : Mr. J.S. Brar, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.

...

Prayer in this petition is, for grant of anticipatory bail in case FIR No.257 dated 25.7.2006, registered under Sections 307/427 of the Indian Penal Code at Police Station City Moga, Distt. Moga.

Vide order of this Court dated 28.9.2006, it was directed that in the event of arrest of the petitioner, he shall be released on bail, subject to the conditions enumerated therein.

Counsel for the petitioner submits that the petitioner has joined investigation, therefore, his custodial interrogation is not required.

Counsel for the State of Punjab, does not deny the aforementioned fact and states that custodial interrogation of the petitioner is not required.

In view of what has been stated above, the order of this Court dated 28.9.2006 is made absolute, subject to the provisions of Section 438 of the Cr.P.C.

This petition stands disposed of accordingly.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.60519-M of 2006

...

Seema Devi and another Vs. State of Punjab

Present : Mr. Hemender Goswami, Advocate for the petitioners.
Mr. B.S. Baath, AAG, Punjab

...

Prayer in this petition is, for grant of anticipatory bail in case FIR No.68 dated 26.4.2004, registered under Sections 376,328,323,506,120-B of the Indian Penal Code at Police Station Division No.7, Ludhiana.

Vide order of this Court dated 29.9.2006, the petitioner was directed to surrender before the trial Court, within a fortnight, whereupon, he would be released on interim anticipatory bail, to the satisfaction of the trial Court.

Counsel for the petitioners states that the petitioners have surrendered before the trial court on 28.10.2006 and have been released on interim bail.

Counsel for the State of Punjab, on instructions from Head Constable Gurnam Singh, does not deny the correctness of the aforementioned statement.

In view of the aforementioned facts, the order of this Court dated 29.9.2006 is made absolute. The petitioner shall,however, furnish fresh bail bonds to the satisfaction of the trial Court.

This petition stands disposed of accordingly.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.1133-M of 2006

...

Present : Mr. C.S. Bakshi, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab

...

On request, adjourned to 17.11.2006.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No. -M of 2006

...

Present : Mr. C.S. Bakshi, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.

...

To come up alongwith Crl.Misc.No.1133-M of 2006 on 17.11.2006.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.

...

Present : Mr., Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. J.S. Toor, Addl.A.G. Haryana.

...

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.

...

Present : Mr., Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. J.S. Toor, Addl.A.G. Haryana.

...

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.

...

Present : Mr., Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. J.S. Toor, Addl.A.G. Haryana.

...

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.

...

Present : Mr., Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. J.S. Toor, Addl.A.G. Haryana.

...

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.

...

Present : Mr., Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. J.S. Toor, Addl.A.G. Haryana.

...

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.

...

Present : Mr., Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. J.S. Toor, Addl.A.G. Haryana.

...

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.

...

Present : Mr., Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. J.S. Toor, Addl.A.G. Haryana.

...

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.

...

Present : Mr., Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. J.S. Toor, Addl.A.G. Haryana.

...

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.

...

Present : Mr., Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. J.S. Toor, Addl.A.G. Haryana.

...

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.

...

Present : Mr., Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. J.S. Toor, Addl.A.G. Haryana.

...

6.11.2006 (RAJIVE BHALLA)
GS JUDGE

Crl. Misc.No.

...

Present : Mr., Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab
Mr. J.S. Toor, Addl.A.G. Haryana.

...

6.11.2006 (RAJIVE BHALLA)
GS JUDGE